

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

DE PING SONG, YANG XU, BAI SONG LI, CHUN  
SEN ZHU, YAN ZHANG, and JIE LI,

Plaintiffs,

-against-

47 OLD COUNTRY, INC. (d/b/a BABI I), JILLY SN,  
INC. (d/b/a BABI I), BABI NAIL USA II CORP. (d/b/a  
BABI II), BABI NAIL USA III CORP. (d/b/a/ BABI III),  
KUI SOON CHO (a/k/a ROSEMARY), HAE SOOK  
KIM, IN BAE KIM (a/k/a FRANK, a/k/a INBAE KIM,  
a/k/a IN B. KIM, a/k/a BAE KIM, a/k/a BAE I. KIM),  
and HYE YOUNG CHOI (a/k/a JACKY, a/k/a  
HAEYOUNG CHOI, a/k/a HAE YOUNG CHOI),

Defendants.

Civil Docket No.  
09 Civ. 5566 (LDW) (ETB)

ORDER TO SHOW CAUSE  
AND TEMPORARY  
RESTRAINING ORDER

Upon the annexed declaration of Aaron Halegua and annexed exhibits, dated February 29, 2010, of which all documents included therein have been otherwise produced to Defendants or are publicly available, the declarations of Plaintiffs De Ping Song, Yang Xu, Yan Zhang, Chun Sen Zhu and Jie Li and annexed exhibits, dated February 23, 2010, the declaration of Plaintiff Bai Song Li and annexed exhibits, dated March 2, 2010, and the Memorandum of Law, it is hereby:

ORDERED that DEFENDANTS OR THEIR ATTORNEYS [APPEAR AND] SHOW CAUSE at the courthouse for the Eastern District of New York located at 944 Federal Plaza in Central Islip, New York, Room 940, on the 9 day of MARCH 2010, at 11:00 A.M. of said day, or as soon thereafter as counsel can be heard, why an order should not be entered:

- (a) Attaching, pursuant to N.Y. C.P.L.R. § 6201(3) and Fed. R. Civ. P. § 64, the assets of any corporate Defendant, individual Defendant In Bae Kim (a/k/a Frank) and/or individual Defendant Kui Soon Cho (a/k/a Rosemary), including but not limited to, real property, bank accounts, stocks and bonds, instruments and other personal property, in an amount not to exceed \$445,000;
- (b) Directing all corporate Defendants and individual Defendants In Bae Kim (a/k/a Frank) and Kui Soon Cho (a/k/a Rosemary), pursuant to N.Y. C.P.L.R. § 6220, to appear immediately at a place within the City of New York designated by Plaintiffs' counsel and give testimony concerning the nature, status and actual location of the assets of each of the Defendants and to bring with each of them all documents, books, correspondence, records and tax returns regarding any property, including but not limited to bank accounts and cash assets, in which Defendants have had an interest since the commencement of this action;
- (c) Requiring all Defendants to provide fourteen (14) days notice to Plaintiffs, through Plaintiffs' counsel, before assigning, selling, transferring, conveying, encumbering or otherwise disposing of any interest, or entering into any contract for any of the above, in Babi Nail Salons, including (i) the nail salon located at 47 Old Country Road, Carle Place, NY ("Babi I"), (ii) the nail salon located at 338 Glen Head Road, Glen Head, NY ("Babi II"), or (iii) any of the corporate entities that are Defendants in this action; and

(d) Requiring all corporate Defendants and individual Defendants In Bae Kim (a/k/a Frank) and Kui Soon Cho (a/k/a Rosemary) to provide fourteen (14) days notice to Plaintiffs, through Plaintiffs' counsel, before assigning, selling, transferring, conveying, encumbering or otherwise disposing of any corporate assets valued over \$5,000 or personal assets valued over \$50,000, including but not limited to, real property, bank accounts, stocks and bonds, instruments and other personal property;

(e) Granting such other and further relief that this Court deems just and proper.

It further appearing that Plaintiffs are entitled to an order of attachment of Defendants' property on the grounds that Defendants have evinced an intent to frustrate the enforcement of a potentially unfavorable judgment and have already, or will soon, transfer, assign, dispose of, encumber or secrete property towards this end; and

It appearing that Defendants will continue to assign, dispose of, encumber or secrete property unless their actions are temporarily restrained, and that Plaintiffs will suffer immediate and irreparable injury by reason of their inability to determine the whereabouts of and collect from Defendants monies owed to them in this action;

SUFFICIENT CAUSE BEING ALLEGED appearing therefore, it is HEREBY ORDERED, pursuant to Fed. R. Civ. P. 65, that pending the hearing and determination of Plaintiffs' motion:

(a) Defendants are temporarily restrained from assigning, selling, transferring, conveying, encumbering or otherwise disposing of any interest in Babi Nail Salons, including (i) the nail salon located at 47 Old Country Road, Carle Place, NY ("Babi I"), (ii) the nail salon located at 338 Glen Head Road, Glen

seven (7) f. R. W.  
Head, NY ("Babi II"), or (iii) any of the corporate entities that are Defendants  
in this action, unless ~~fourteen (14)~~ days notice is given to Plaintiffs, through  
Plaintiffs' counsel; and

(b) All corporate Defendants, individual Defendant In Bae Kim (a/k/a Frank) and  
individual Defendant Kui Soon Cho (a/k/a Rosemary) are temporarily  
restrained from assigning, selling, transferring, conveying, encumbering or  
otherwise disposing of any corporate assets valued over \$5,000 or personal  
assets valued over \$50,000, including but not limited to, real property, bank  
accounts, stocks and bonds, instruments and other personal property, unless  
seven (7) ~~fourteen (14)~~ days notice is given to Plaintiffs, through Plaintiffs' counsel.

IT IS HEREBY FURTHER ORDERED that Plaintiffs will furnish an undertaking  
in the amount of \$500.00 for security for all costs and damages, including reasonable  
attorneys' fees, that the Defendants may sustain because of the temporary restraining  
order hereby granted; and f. R. W.

5:00 P.M.  
IT IS HEREBY FURTHER ORDERED that service of a copy of this Order to  
Show Cause together with the papers upon which it has been granted be made on or  
before the 3 day of March, 2010, on Defendants' counsel by personal delivery or  
by Express Mail (overnight delivery) of the United States Postal Service.

Central Islip,  
Dated: ~~New York~~, New York  
March 3, 2010

ENTER:

U.S.D.J.